

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

VINCENT T. GALLEGOS,

Plaintiff,

v.

Civ. No. 19-604 GJF

ANDREW SAUL, *Commissioner of
the Social Security Administration,*


Defendant.

**ORDER GRANTING ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' "Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act [EAJA]" [ECF 28], **HEREBY ORDERS** that attorney fees are awarded under the EAJA (28 U.S.C. § 2412), payable to Plaintiff but mailed to his attorney in the amount of \$4,949.50. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575,580 (10th Cir. 1986).

SO ORDERED.


THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent